

REMARKS/ARGUMENTS

I. STATUS OF THE CLAIMS

Claims 1-34 were previously pending. Claims 3, 14 and 28-34 are canceled herein without prejudice. Claims 4-6 and 18-20 are objected to as being depending upon a rejected base claim but allowable if rewritten in independent form. Claims 4-6 are amended herein to be in independent form. New claims 35 and 36 are added. Thus, it is submitted that claims 1, 2, 4-13, 15-27, and 35-36 are submitted for consideration herein.

II. REJECTION OF CLAIMS 1-3, 7-9, 13-17, 22-23, AND 25-30 UNDER 35 U.S.C. § 103(A)

Claims 1-3, 7-9, 13-17, 22-23, and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haber (US patent no. 6,896,264).

Haber discloses a game in which a player can wager on the sum of two consecutive rolls of a die. The player can bet whether the sum will be higher than a predetermined number (e.g. 7) or lower. The player can also bet on the outcome of the rolls by betting on a particular number (e.g. 2 through 12).

Haber does not disclose a piece which moves in a direction. Chips can be placed on betting areas to place and pay bets. However these chips are not moved based on a random number generator since they are fixed in a single position (e.g. a player wagers on the number 4, and the number 5 is rolled, then the player's chips on the number 4 betting circle are taken.)

Claim 1 (as amended) recites, "displaying a linear playing field with a center and a first end and a second end and a piece in an initial position; receiving a first wager that the piece will reach a first desired end comprising either the first end or the second end; moving the piece in either direction on the field to a further position in accordance with a random number generator; and receiving a second wager that the piece will reach a second desired end with a payout on the second wager reflecting chances that the piece will reach the second desired end from the further position; and continuing the moving

until the piece reaches either the first end or the second end, and then accounting for the first wager and the second wager.”

The Applicant understands the Examiner’s rejection to be based on the “higher” and “lower” betting circles in Haber can correspond to the claimed “first end or second end.” However, Haber does not disclose a moving piece which moves in a direction as claimed in claim 1. Haber also does not disclose a second wager on whether the piece will be moved to reach a first end or a second end. Thus, claim 1 discloses two wagers on the same piece on which end it will reach (the chosen end does not need to be equal in both wagers).

In Haber, while two separate wagers can be made on the rolled dice, they are not made on an end a moved piece reaches from an initial position (the first wager) and a further position (the second wager).

The Examiner may revise the rejection of claim 1 by including Sink or Swim in the rejection. Thus, the Applicant submits that Sink or Swim, while disclosing a moving piece and allowing a player to bet on two possible outcomes (“sink” or “swim”), nevertheless Sink or Swim does not disclose the second wager made from a further position. Part of the novelty, non-obviousness, and ingenuity of the game recited in claim 1 is that a player can place not just one bet *before* the game starts, but can also place bet(s) *after* the piece has already been moved from an initial position to a further position. In Sink or Swim, there is only one payout for each outcome, and thus Sink or Swim does not allow bets after the initial position has changed, in that a player would then place a wager on the outcome that is more likely. Thus, Sink or Swim teaches away from the features of claim 1. In claim 1, a payout on the second wager reflects a chance that the piece will be moved to reach the second desired end from the further position. A benefit of allowing multiple bets as recited in claim 1 is that the game is more exciting to the player since the player can place multiple bets, as well as the game is more desirable to the casino because the casino can receive more bets as well. There is also nothing in the combination of Haber and Sink or Swim to suggest the game as recited in claim 1.

Claims 2, 7-9 and 13 are dependent upon claim 1, which for the above reasons, should be allowed over the prior art. Claims 2 and 7-13 also recite patentably distinct features and it is submitted that these claims are independently patentable as well.

Claim 13 recites, "allowing the player to relocate the piece upon approval of a dealer." There is no piece in Haber as recited in claim 1, and further Haber does not disclose allowing the player to relocate such a piece. In Haber, players can place chips, but chips cannot be considered a moving piece as recited in claim 1.

Claims 15-17, 22-23, and 25-27, in view of the above remarks, should also be allowed.

III. REJECTION OF CLAIMS 10-12 UNDER 35 U.S.C. § 103(A)

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haber in view of "Sink or Swim."

Claims 10-12 are dependent upon claim 1, which for the above reasons, should be allowed over the prior art.

IV. NEW CLAIMS 35-36

New claims 35-36 are added which recite additional features not disclosed or suggested by the prior art, and it is submitted that new claims 35-36 are in condition for allowance.

Appl. No. 10/688,898
Amendment dated March 20, 2006
Reply to Office Action Dated October 18, 2006

V. CONCLUSION

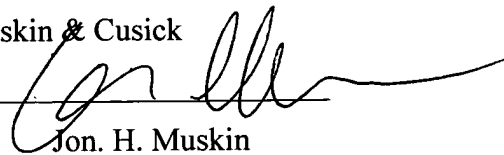
In view of the above amendments and remarks, it is submitted that the application is now in condition for allowance, and an early notice of allowance is requested.

If there are any issues the Examiner wishes to discuss with the Applicant, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,

Muskin & Cusick

By



Jon. H. Muskin

Reg. No. 43,824

Customer # 43,536

Tel (215) 853-8257

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 3/20/06

Jon Muskin 3/20/06
Name date
